



2009 – 2010 AP American Government Syllabus and Calendar

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General Expectations

This is a college level class in Political Science. As such I expect students to behave as college students. I will instruct this class in a method that best exemplifies a college course and I expect students to act accordingly. Obviously, late or missing work will greatly diminish one's chance of being successful in this class or on the AP exam. Students are expected to become learners both IN and OUT of the classroom. This means doing reading when it is required and becoming aware of current events and political happenings. Only in this fashion can students begin to truly understand and apply knowledge. True learning does not occur exclusively in the confines of the classroom.

Advanced Placement United States Government and Politics is a college level class for academically advanced students wishing to take a more challenging college preparatory class. In essence the class will have the feel of a college course and students will be expected to meet advanced and rigorous standards in the areas of research, writing, speaking, and analysis. It is expected that you will read all assigned chapters or readings prior to class discussion. Instruction will be conducted in a similar fashion to a college level course and thus a greater responsibility will be placed on students to complete readings and written assessments outside of class. Course material will be directly correlated with state and national social studies standards as well as the Advanced Placement programs suggested subject matter. At the end of the second semester students will be provided with the opportunity to take the AP Course Exam. Students that receive a passing score (3,4,5) they may receive college credit for the course. Some of the areas of study will include historical origins of our nation (both social and political), an in-depth analysis of the Declaration of Independence as well as the Constitution, the three branches of government, history of political parties, analysis of current political events and legislation, the ideological spectrum/political beliefs and behaviors, the changing political culture of American society and its effect on voting patterns, congressional policy implementation, and the analysis of various presidencies, public policy, and civil rights/civil liberties. The main thrust of the course, however, is to be able to apply an understanding of our political system to contemporary events. Due to the vast amount of material involved students are expected to become learners both IN and OUT of the classroom. This means doing reading when it is required and becoming aware of current events and political happenings.

The primary purpose of the class is to prepare students for the AP exam administered by the College Board in May. **Therefore, students wishing to have AP Government on their school transcript are required to take the AP American Government Exam on Monday, May 3rd at 8:00 a.m.** Year long preparation, study, and guided review will prepare students for success on this challenging exam. Any student in the AP class who commits his or her mind and effort to the task can be successful. It should be understood at the outset that this AP course will be more challenging and time consuming than an advanced level government class. This is a college level course and we are preparing for a college level exam. Students are expected to read the textbook carefully and outline each chapter assigned. In addition, outside readings, papers, etc. will be assigned, and students are expected to read daily a "quality" written news source like the *Washington Post*, *Kansas City Star*, *New York Times*, etc. in order to keep abreast of current events.

In this class, two very important questions will be addressed. First, who holds political power, and what is the nature and extent of their influence? Second, how is the US government structured, and how does structure affect policy-making and the lives of ordinary Americans? Obviously, these are complicated questions to which there are no easy answers. To

investigate these questions, we will study the US Constitution, the major branches of the US government, and how the public as a whole can sometimes influence political outcomes. In essence, we will study how the governments works in it entirety i.e. “the big picture.”

The most important task for students of American Government is to be able to think critically. Students should be able to evaluate American democracy: not only to identify areas of strength, but also to articulate areas where our system fails. When students leave this class they should be able to describe, analyze and discuss how our system works on a sophisticated level. In class there will be lectures, discussions, as well as interactive classroom projects. In addition, we will debate current issues, simulate Congress and other institutions of government. Students are required to work hard, but the experience of this course will also be enjoyable. The classroom is a forum for learning and preparation for the exam, but it is also an environment to interact and discuss social as well as political issues.

Class Website

My class website will be of great value to you.. I will have readings posted as well as any updates to our calendar. You will also want to utilize the Useful Links page. You will find it helpful with your “What’s in the News” assignment.

Course Organization and General Overview

During the year we will divide our coursework into both units and single chapters. Each unit will usually cover two to three chapters at a time. We will be offering you (the learner) many different opportunities to flex your intellectual prowess throughout the course of the year. With these opportunities you will be asked to perform a wide array of academic endeavors. Some of the common activities that you will be doing are as follows:

Current Events Investigations

Oral Presentations

Research Opportunities

Mid Term and Final Exams (both semesters)

Journal Writing

Class Discussions

Free Response Questions

Hardball Assignment

Group Solutions to Problems or Issues

Academic Study Enhancers

“Pop Quizzes”

Primary Source Readings

Readings from Contemporary Magazines

Assigned Reading Responses

Classroom Texts

Dilulio, J. and Wilson, James *American Government* 10th ed. Boston: Houghton Mifflin Company, 2006.

Woll, Peter *American Government: Readings and Cases* 15th ed. New York: Pearson Longman, 2004.

General Description/Outline of Subject Matter

I. Constitutional Underpinnings of United States Government

- A. Considerations that influenced the formulation and adoption of the Constitution
- B. Separation of powers
- C. Federalism
- D. Theories of democratic government

II. Political Beliefs and Behaviors

- A. Beliefs that citizens hold about their government and its leaders
- B. Processes by which citizens learn about politics
- C. The nature, sources, and consequences of public opinion
- D. The ways in which citizens vote and otherwise participate in political life
- E. Factors that influence citizens to differ from one another in terms of political beliefs and behaviors

III. Political Parties, Interest Groups, and Mass Media

- A. Political parties and elections

1. Functions
 2. Organization
 3. Development
 4. Effects on the political process
 5. Electoral laws and system
- B. Interest groups, including political action committees (PACs)
1. The range of interests represented
 2. The activities of interest groups
 3. The effects of interest groups on the political process
 4. The unique characteristics and roles of PACs in the political process
- C. The mass media
1. The functions and structures of the media
 2. The impacts of media on politics

IV. Institutions: Congress—Presidency—Bureaucracy—Federal Courts

- A. The major formal and informal institutional arrangements of power
- B. Relationships among these four institutions, and varying balances of power
- C. Linkages between institutions and the following
1. Public opinion and voters
 2. Interest groups
 3. Political parties
 4. The media
 5. Sub national governments

V. Public Policy

- A. Policy making in a federal system
- B. The formation of policy agendas
- C. The role of institutions in the enactment of policy
- D. The role of the bureaucracy and the courts in policy implementation and interpretation
- E. Linkages between policy processes and the following
1. Political institutions & federalism
 2. Political parties
 3. Interest groups
 4. Public opinion
 5. Elections
 6. Policy networks

VI. Civil Rights and Civil Liberties

- A. The development of civil liberties and civil rights by judicial interpretation
- B. Knowledge of substantive rights and liberties
- C. The impact of the Fourteenth Amendment on the constitutional development of rights and liberties

Grading Policy

The following scale will be used for quarterly and semester grades.

- A+ 98-100
- A 93-97
- A- 90-92
- B+ 87-89
- B 83-86
- B- 80-82
- C+ 77-79
- C 73-76
- C- 70-72
- D+ 67-69
- D 63-66
- D- 60-62
- F 0-59

In this class we will not start grades over at each quarter. Instead, you will have a continuous grade that will end at the close of first and second semester.

Extra Credit Please do not ask for it. It will not be given. Extra credit will not be given as a remedy for not doing work.

Class participation Grade In order to assess your basic understanding and completion of homework reading assignments, you will be given a grade for oral participation in class. Your responses to questions in class will be rated on a scale of 0 to 3 and your overall performance will be evaluated to arrive at a grade. For questions requiring knowledge or comprehension that relate directly to your homework or readings you will be called on directly. Please come to class prepared everyday.

Exams and Quizzes (50 - 60%) There will be a midterm exam and final exam each semester. Quizzes and class discussions over required readings will be commonplace. The quizzes may or may not be announced.

Homework, Group Discussions, Readings, Writing Assignments/Free Response Questions, Current Events, Press Clippings, Book Reports, Projects, Participation (40-50%)

Semester and Final Exams

Semester and Final Exams are an important part of the learning and evaluation process. As such, special days and times are set aside in order to accommodate these exams. Please be aware of the following provisions regarding exams:

1. Students and parents should make sure that trips or appointments are not scheduled during the exam schedule.
2. Exams will not be given early for students that need to leave for trips.
3. There will be special make-up times after the exams for students that miss exams.

Policies/Expectations

1. **Make Up Work:** If an assignment is due on the day of an unplanned absence, then it must be turned in on the **first day back to school – not class**. If an assignment is given on the day of an unplanned absence, then the student must turn in the assignment by the beginning of the class period after assignment has been given to absent student (i.e. – Assignment given on Monday and student is absent - absent student gets assignment on Wednesday – assignment due on Friday) After this point all work will receive a 50% deduction. **Tests/Quizzes:** A make up version must be taken during the next Seminar period or class period that you are in – whichever comes first. It is **your responsibility** to come see me if you miss class or are going to miss class. Assignments must be turned in and exams must be taken early for any absences that are planned (field trips, medical reasons, school activities, family vacations, etc.). Remember, you are the one that has missed class. It's not the school's job to work around your personal schedule to what is and is not convenient.
2. **Late Work: Assignments are due at the beginning of class. Late work of any kind will not be accepted. This includes homework, work produced within class session, projects, and ongoing or long term assignments.**
3. **Honor Code:** I am a very strong believer that one's personal worth is judged much on the honor and integrity that one has. Therefore, it should be clearly understood that ALL academic work must be completed by the student (unless otherwise instructed) without collusion from others. To reiterate, ALL homework is to be completed by the individual. It is NOT a group effort, unless otherwise noted. Cooperative homework will result in cooperative zeros. Failure to complete and return homework and class work can lead to failure in this class. Incidents of cheating, plagiarism, or any other form on academic dishonesty will be dealt with immediately and forcefully.
4. **Environment of Mutual Respect:** Students will demonstrate respect, consideration, and tolerance toward fellow students, teachers, guests, substitute teachers, etc. This includes everything from talking out of turn and inappropriate comments to sleeping in class – all of which are rude and ridiculous behavior for seniors in high school. Any behavior that keeps me from teaching and students from learning will not be tolerated and will result in a possible dismissal from the class.
5. **Personal Responsibility and Accountability:** Students are expected to take responsibility for their actions, or sometimes inactions. I make the course expectations re: deadlines, behavior, etc. very clear. No excuses--take responsibility! Please do not ask for extra credit. Extra credit is not a remedy for not doing your regular course work and it will not be given. Remember the old cliché: "You are not given grades, you earn them."

Assignments

The following are brief and very general descriptions of some of the projects, assignments, and analysis that we will be completing during the year. These are merely some of the assignments that you will be expected to complete. Other assignment descriptions will be provided at a later date.

“Who Are You and What’s Your Political Philosophy?” (2nd Semester)

Generally speaking, the purpose of this assignment is twofold. First, you are going to acquire knowledge pertaining to a variety of topics that you might not have otherwise been familiarized with. Secondly, you are going to explore and construct your own political philosophy based on what you have learned from your research and what you have learned and been introduced to in your young life. Also think of this as a way to solidify your grade before final exams.

While many of you already feel that you may have a firm grasp on your political and social identity, there are still many areas that you have yet to explore. What you will be doing within this partially research-oriented project is to look at a number of different topics and obtain information about each piece of subject matter. When you are done compiling your information you will use this new plethora of knowledge to write an informative paper discussing what you feel is your overall political philosophy. Within this paper you will tie together information from all of the various topics that you have chosen to research, previous knowledge of the political spectrum, and your own views that directly correlate to your own experiences within your lifetime...

Representative Democracy.

You are to assume that you have been invited to participate in a panel discussion designed to evaluate the character of representative democracy in the United States. The organizer of this panel discussion contacts them and asks them to prepare a four- to five-page paper that focuses on the operation of interest groups, political parties, and election campaigns as parts of the U.S. system of representative democracy. Your scholarly paper will be read at the outset of the discussion and will serve to frame the debate. Specifically, you will be asked to address the following concerns in your essay:

- **The character of representative democracy.** You are, first of all, asked to develop a description of representative democracy and establish a set of standards that can be used to evaluate the quality of representative democracy. In other words, what standards would they use to determine whether a system that claims to be a representative democracy is operating in a "good" or "bad" manner?
- **Evaluation.** Having established standards, you now are asked to apply standards and to evaluate the organizations (interest groups, political parties) and processes (presidential and congressional elections) which connect the public to government. In other words, you are to apply your standards to the topics that have been considered in the course.

Presidential Campaigns (2nd Semester)

The purpose of this assignment is to let each one of you experience some of the things that go into an “actual” presidential campaign. While this is a rather simplified version of a campaign, it will nevertheless provide you with some insight into what happens within a campaign setting.

While this assignment is being graded on an individual basis, it is important to choose people within your group that are going to be responsible and easy to work with. Much of your finished product may very well correspond to how you and your group construct a well rounded, coherent, and realistic political agenda. Remember, politics is the key...

Hardball Assignment (2nd Semester)

In an effort to focus your thinking politically rather than historically, your task this summer is a careful reading of the book *hardball* by Chris Matthews, host of the MSNBC show of the same name. In other words, this assignment is designed to help you transition from thinking historically to thinking and writing from a political perspective. More details will come next semester.

Examples of Debate/Socratic Seminar Topics

- Resolved that the U.S. President and all members of Congress should be elected at the same time.
- Resolved that members of the Supreme Court should hold office for one 12-year term.
- Resolved that occasionally national issues should be placed to the American voters for a referendum vote, or a national town hall meeting should be called.
- Resolved that the proposed constitutional amendment protecting the American flag be approved and added to the Constitution.
- Resolved that Congress, by a two-thirds vote, be empowered to vote "no confidence" in a U.S. President and force a new presidential election, as well as a congressional election 100 days later.

Cartoon Assignment Guidelines (Throughout year)

- What do you see? Describe the elements that are present in your cartoon: symbols, historical images, stereotypes, captions, humor, caricature. If caricature, is the cartoonist using extreme features and distorted images? Describe them.
- What is happening in the cartoon? Are the components of the cartoon related to each other? If so, how?
- Explain what you think the cartoonist is trying to say. What does the cartoon mean?
- Can you think of another setting, period, or person in time to which this cartoon could apply? Explain.

LANDMARK DECISIONS OF THE U.S. SUPREME COURT

A landmark decision is the outcome of a legal case (often referred to as a landmark case) that establishes a precedent that either substantially changes the interpretation of the law or that simply establishes new case law on a particular issue. These are cases that you will want to know for the AP Exam in May. Some cases you will need to know by name. (they are highlighted). It is sufficient to know them by their shorthand name such as *Plessy* or *Bakke*. For the other cases, knowing them by name would be ideal, but is not required. The important task is to understand the cases and their ramifications. We will cover some of these cases in class and some of the cases will be your responsibility to research.

Most of the hyperlinks, below, lead to the Oyez Web site <http://www.oyez.org/> and a *very brief* discussion of each case, as well as a *very brief* description of the subsequent ruling by the Court. For more information on a case, including the written majority opinion, concurring opinion(s), and dissenting opinion(s), try one or more of the following sites: Findlaw

FEDERALISM

- ***Marbury v. Madison* - 1803**

Was Marbury entitled to his appointment to the federal bench? Was his lawsuit the correct way to get it? And, was the Supreme Court the place for Marbury to get the relief he requested?

- ***McCulloch v. Maryland* - 1819**

The case presented two questions: Did Congress have the authority to establish the Bank of the United States? Did the Maryland law unconstitutionally interfere with congressional powers?

- ***Gibbons v. Ogden* - 1824**

Did the State of New York exercise authority in a realm reserved exclusively to Congress, namely, the regulation of interstate commerce?

- ***Humphrey's Executor v. United States* – 1935**

Did section 1 of the Federal Trade Commission Act unconstitutionally interfere with the executive power of the President?

- ***United States v. Nixon* – 1974**

Is the President's right to safeguard certain information, using his "executive privilege" confidentiality power, entirely immune from judicial review?

- ***U.S. Term Limits v. Thornton* - 1995**

Can states alter those qualifications for the U.S. Congress that are specifically enumerated in the Constitution? Are states qualified to set term limits on members of the United States Congress?

- ***Clinton v. Jones* - 1997**

Is a serving President, for separation of powers reasons, entitled to absolute immunity from civil litigation arising out of events which transpired prior to his taking office?

- ***Printz v. United States* - 1997**

Using the Necessary and Proper Clause of Article I as justification, can Congress temporarily require state law enforcement officials to regulate handgun purchases by performing those duties called for by the Brady Bill's handgun applicant background-checks?

CIVIL LIBERTIES CASES

Religious Freedom: Establishment Clause

- ***Engel v. Vitale* (1962)**

The Court ruled all school-sanctioned prayer in public schools unconstitutional.

- *Abington School District v. Schempp* (1963)
- The Court struck down a Pennsylvania law requiring that each public school day open with Bible reading.
- *Wallace v. Jaffree* (1985)

The Court overturned a state law setting aside a minute for “voluntary prayer” in public schools.

- *Elk Grove Unified School District v. Newdow* (2004)

Does Michael Newdow have standing to challenge as unconstitutional a public school district policy that requires teachers to lead willing students in reciting the Pledge of Allegiance? Does a public school district policy that requires teachers to lead willing students in reciting the Pledge of Allegiance, which includes the words "under God," violate the Establishment Clause of the First Amendment?

Religious Freedom: Free Exercise Clause

- *Wisconsin v. Yoder* (1972)

The Court ruled that Amish adolescents could be exempt from a state law compelling school attendance

- *Church of the Lukumi Babalu Aye v. City of Hialeah* (1993)

The Court found laws passed by four Florida cities banning animal sacrifice were *targeted* at the Santeria religion, which employs animal sacrifice in prayer, and as such the laws were unconstitutional.

- *Cantwell v. Connecticut* (1940)

The Court began applying the Free Exercise Clause to the states and recognized an absolute freedom of belief.

- *Van Orden v. Perry* (2005)

Does a Ten Commandments monument on the grounds of a state capitol building violate the First Amendment's establishment clause, which barred the government from passing laws "respecting an establishment of religion"?

Freedom of Expression – General

- *Schenck v. United States* (1919)

During World War I, Mr. Schenck mailed fliers to draftees urging them to peacefully protest the draft. Justice Oliver Wendell Holmes wrote that the First Amendment did not protect Schenck since, during wartime, such expression would create a clear and present danger.

- *Gitlow v. New York* (1925)

The Supreme Court applied protection of free speech to the states (incorporation).

- *West Virginia State Board of Education v. Barnette* (1943)

The Court ruled the West Virginia School Board's policy requiring students and teachers to recite the pledge of allegiance unconstitutional.

- **Tinker v. Des Moines (1969)**

The Supreme Court ruled that wearing black armbands to protest the Vietnam War was “pure speech,” or symbolic speech, thus protected by the First Amendment. The principal’s right to forbid conduct that substantially interfered with school discipline was outweighed by the students’ right to free expression.

- **Brandenburg v. Ohio (1969)**

The Supreme Court held that the First Amendment protected Mr. Brandenburg’s speech advocating violence at a Ku Klux Klan rally.

- **Miller v. California (1973)**

This case set forth rules for obscenity prosecutions, but also gave states and localities flexibility in determining what is obscene. The four dissenters argued even the most general attempt to define obscenity for the entire nation was outside the scope of the Court’s power.

- **Texas v. Johnson (1989)**

The Supreme Court protected flag-burning as symbolic speech: “Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”

- **Reno v. ACLU (1997)**

The Supreme Court held that the 1996 Communications Decency Act was unconstitutional, since it was overly broad and vague in its regulation of speech on the internet, and it attempted to regulate indecent speech, which is protected.

Freedom of Expression – Campaign Finance

- **Buckley v. Valeo (1976)**

This campaign finance case disallowed limits on campaign expenditures, but permitted “reasonable restrictions” on individual, corporate and group contributions to candidates. The Supreme Court recently upheld the \$1,000 limit.

- **Colorado Republican Federal Campaign Committee v. FEC (1996)**

The Supreme Court ruled that campaign spending by political parties on behalf of congressional candidates may not be limited, as long as the parties work independently of the candidates.

Freedom of the Press

- **John Peter Zenger trial (1735)**

Zenger was a printer, publisher, editor and journalist whose indictment, trial and acquittal on sedition and libel charges was an important contributing factor to the development of the freedom of the press in America. Although this court case occurred during the colonial period of American history, it remains one of the landmark cases in our nation’s legal history.

- **Near v. Minnesota (1931)**

This case struck down a statute authorizing the state to seek injunctions against routine publishers of malicious or defamatory information, extending protection of freedom of the press to the states (incorporation).

- **New York Times v. Sullivan (1964)**

The Court stated that the First Amendment protected all statements about public officials, unless the speaker lies with the intent to defame. This case overturned a judgment awarding damages to an Alabama policeman after the *New York Times* ran a critical ad.

- **New York Times v. United States (1971)**

This case lifted a temporary injunction against publication of leaked information, since such publication would not cause an “inevitable, direct and immediate” event imperiling the safety of American forces; often referred to as the Pentagon Papers case.

- **Hustler v. Falwell (1988)**

Ruled the First Amendment prohibits public figures from recovering damages for intentional infliction of emotional harm, without showing the publication contained a false statement of fact made with actual malice.

- **Hazelwood v. Kuhlmeier - 1988**

Did a high school principal's deletion of the articles from the school newspaper violate the students' rights under the First Amendment?

Right to Assemble and Petition the Government

- **Hurley v. Irish American Gay Group of Boston - 1995**

Did a Massachusetts State Court's mandate to Boston's Veterans' Council, requiring it to include GLIB members in its parade, violate the Council's free speech rights as protected by the First and Fourteenth Amendments?

- **Boy Scouts of America v. Dale - 2000**

Does the application of New Jersey's public accommodations law violate the Boy Scouts' First Amendment right of expressive association to bar homosexuals from serving as troop leaders?

- **Dejonge v Oregon (1937)**

This case extended to the states the federal protection of the right to peaceably assemble for lawful discussion.

- **Village of Skokie vs. National Socialist Party / Smith v. Collin (1978)** “Skokie case”

The Supreme Court ruled that the National Socialist (Nazi) Party could not be prohibited from marching peacefully, simply because of the content of their message.

- **Schenck v. Pro-Choice Network of Western New York (1997)**

The Supreme Court overturned a fifteen-foot “floating buffer” around patients leaving or entering an abortion clinic; though, “fixed buffers” were permitted since they protected the government’s interest in public safety.

CIVIL RIGHTS CASES

Discrimination Based on Race

- **Dred Scott v. Sandford - 1857**
After residing in a “free” state for ten years, then returning to Missouri with his owner, was Dred Scott free or slave?
- **Plessy v. Ferguson - 1896**
Was Louisiana's law mandating racial segregation on its trains an unconstitutional infringement on both the privileges and immunities and the equal protection clauses of the Fourteenth Amendment?
- **Brown v. Board of Education of Topeka, Kansas - 1954**
Did the segregation of children in public schools solely on the basis of race deprive the minority children of the equal protection of the laws guaranteed by the 14th Amendment?
- **Korematsu v. United States - 1944**
Did the President and Congress go beyond their war powers by implementing exclusion and restricting the rights of Americans of Japanese descent?

Discrimination Based on Gender

- **Craig v. Boren – 1976**
Did an Oklahoma statute violate the Fourteenth Amendment's Equal Protection Clause by establishing different drinking ages for men and women?
- **United States v. Virginia - 1996**
Does Virginia's creation of a women's-only academy, as a comparable program to a male-only academy, satisfy the Fourteenth Amendment's Equal Protection Clause?
- **Frontiero v. Richardson - 1973**
Did a federal law, requiring different qualification criteria for male and female military spousal dependency, unconstitutionally discriminate against women thereby violating the Fifth Amendment's Due Process Clause?

Affirmative Action

- **Regents of the University of California v. Bakke - 1978**
Did the University of California violate the Fourteenth Amendment's equal protection clause, and the Civil Rights Act of 1964, by practicing an affirmative action policy that resulted in the repeated rejection of Bakke's application for admission to its medical school?
- **Adarand Constructors v. Peña - 1995**
Is the presumption of disadvantage based on race alone, and consequent allocation of favored treatment, a discriminatory practice that violates the Fifth Amendment's Equal Protection Clause?
- **Grutter v. Bollinger - 2003**
Did the University of Michigan Law School's use of racial preferences in student admissions violate the Equal Protection Clause of the Fourteenth Amendment or Title VI of the Civil Rights Act of 1964?

Discrimination Based On Sexual Orientation

- **Bowers v. Hardwick - 1986**
Does the Constitution confer a fundamental right upon homosexuals to engage in consensual sodomy, thereby invalidating the laws of many states which make such conduct illegal?
- **Romer v. Evans - 1996**
Did Amendment 2 of Colorado's State Constitution, forbidding the extension of official protections to those who suffer discrimination due to their sexual orientation, violate the Fourteenth Amendment's Equal Protection Clause?
- **Lawrence v. Texas - 2003**
Did the criminal convictions of John Lawrence and Tyron Garner under the Texas "Homosexual Conduct" law, which criminalizes sexual intimacy by same-sex couples, but not identical behavior by different-sex couples, violate the Fourteenth Amendment guarantee of equal protection of laws? Did their criminal convictions for adult consensual sexual intimacy in the home violate their vital interests in liberty and privacy protected by the Due Process Clause of the Fourteenth Amendment? Should *Bowers v. Hardwick* (1986) be overruled?

Birth Control And Abortion

- **Griswold v. Connecticut - 1965**
Does the Constitution protect the right of marital privacy against state restrictions on a couple's ability to be counseled in the use of contraceptives?
- **Roe v. Wade - 1973**
Does the Constitution embrace a woman's right to terminate her pregnancy by abortion?
- **Planned Parenthood v. Casey - 1992**
Can a state require women who want an abortion to obtain informed consent, wait 24 hours, and, if minors, obtain parental consent, without violating their right to abortions as guaranteed by Roe v. Wade?

Right To Die

- **Cruzan v. Director, Missouri Dept. of Health - 1990**
Did the Due Process Clause of the Fourteenth Amendment permit Cruzan's parents to refuse life-sustaining treatment on their vegetated daughter's behalf?
- **Vacco v. Quill - 1997**
Did New York's ban on physician-assisted suicide violate the Fourteenth Amendment's Equal Protection Clause by allowing competent terminally ill adults to withdraw their own lifesaving treatment, but denying the same right to patients who could not withdraw their own treatment and could only hope that a physician would do so for them?
- **Washington v. Glucksberg - 1997**
Did Washington's ban on physician assisted-suicide violate the Fourteenth Amendment's Due Process Clause by denying competent terminally ill adults the liberty to choose death over life?
- **Gonzales v. Oregon - 2006**
Did the Controlled Substances Act authorize the attorney general to ban the use of controlled substances for physician-assisted suicide in Oregon?

Power Of Congress To Enforce Civil Rights

- **Heart of Atlanta Motel, Inc. v. United States - 1964**
Did Congress, in passing Title II of the 1964 Civil Rights Act, exceed its Commerce Clause powers by depriving motels, such as the Heart of Atlanta, of the right to choose their own customers?

CRIMINAL RIGHTS CASES

Rights of Adolescents

- **New Jersey v. T.L.O. - 1985**

T.L.O. was a fourteen-year-old girl accused of smoking in the girls' bathroom of her high school. A principal at the school questioned her and searched her purse, yielding a bag of marijuana and other drug paraphernalia. Did the search violate the Fourth and Fourteenth Amendments?

Freedom From Unreasonable Search And Seizure

- **Mapp v. Ohio - 1961**

Were the confiscated materials protected by the First Amendment? (May evidence obtained through a search in violation of the Fourth Amendment be admitted in a state criminal proceeding?)

- **Katz v. United States - 1967**

Does the Fourth Amendment protection against unreasonable searches and seizures require the police to obtain a search warrant in order to wiretap a public pay phone?

- **Vernonia School District v. Acton -1995**

Does random drug testing of high school athletes violate the reasonable search and seizure clause of the Fourth Amendment?

- **Board of Education v. Earls - 2002**

Was the Student Activities Drug Testing Policy, adopted by the Tecumseh, Oklahoma School District,, which required all students who participate in competitive extracurricular activities to submit to drug testing, consistent with the Fourth Amendment?

Right To An Attorney

- **Gideon v. Wainwright - 1963**

Did the state court's failure to appoint counsel for Gideon violate his right to a fair trial and due process of law as protected by the Sixth and Fourteenth Amendments?

- **Escobedo v. Illinois - 1964**

Was Escobedo denied the right to counsel as guaranteed by the Sixth Amendment?

- **Miranda v. Arizona – 1966**

Does the police practice of interrogating individuals without notifying them of their right to counsel and their protection against self-incrimination violate the Fifth Amendment?

Capital Punishment

- **Furman v. Georgia - 1972**

Does the imposition and carrying out of the death penalty in these cases – Furman v. Georgia, Jackson v. Georgia and Branch v. Texas - constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments?

- **Gregg v. Georgia - 1976**

Is the imposition of the death sentence prohibited under the Eighth and Fourteenth Amendments as "cruel and unusual" punishment?

- **Penry v. Johnson - 2001**

Was a Texas trial court's supplemental instruction on mitigating evidence of mental retardation under the state's "special circumstances" for sentencing in capital murder cases to a jury constitutionally adequate? Does the admission into evidence of statements from a psychiatric report based on an uncounseled interview with the defendant violate the Fifth Amendment's privilege against self-incrimination?

- **Roper v. Simmons - 2005**

Does the execution of minors violate the prohibition of "cruel and unusual punishment" found in the Eighth Amendment and applied to the states through the incorporation doctrine of the 14th Amendment?

Cruel and Unusual Punishment in Non-Capital Cases

- **Harmelin v. Michigan - 1991**

Is a statutorily mandated sentence that does not allow for consideration of mitigating factors a violation of the Eighth Amendment's protection against cruel and unusual punishments?

Extra-Legal Jury Influences, Pretrial Publicity

- **Sheppard v. Maxwell - 1966**

What threshold must be crossed before a trial is said to be so prejudicial, due to context and publicity, as to interfere with a defendant's Fifth Amendment due process right to a fair trial?

Criminal Procedure

- **Powell v. Alabama (1932)**

The Supreme Court ruled that the indigent of society, when charged with a capital crime, must be given competent counsel, at the expense of the citizens.

- **Betts v. Brady (1942)**

Betts was indicted for robbery and detained in a Maryland jail. Prior to his trial, he asked for counsel to represent him. This request was denied and he was soon convicted. While incarcerated, Betts filed a habeas corpus petition in the lower courts. After they rejected his petitions, he filed a certiorari petition with the Supreme Court, which agreed to hear his case. Bett argued that his 6th Amendment right to a fair trial was violated because of his lack of counsel. The State of Maryland held that most states did not require the appointment of counsel in non-capital cases and the circumstances of this particular case did not require it. Although the Court found in favor of Betts, it decided that the right to counsel must be decided on a case- by-case basis. This ruling was upheld for 20 years until it was overturned by Gideon v. Wainwright in 1963.

- **Mapp v. Ohio (1961)**

The Supreme Court ruled that all evidence obtained by searches and seizures, in violation of the Constitution, is inadmissible in a state court. This is known as the "exclusionary rule."

- **Gideon v. Wainwright (1963)**

The Supreme Court overturned *Betts v. Brady* and required that any indigent, accused of a felony must be given an attorney at the public's expense.

- **Escobedo v. Illinois (1964)**

The Supreme Court extended the "exclusionary rule," to also include any unconstitutionally obtained confessions. The Court said that once questioning reaches past a "general inquiry" the suspect has the right to have an attorney present.

- **Miranda v. Arizona (1966)**

The Supreme Court ruled that since the police had not informed Mr. Miranda of his Constitutional rights, Miranda's conviction must be overturned.

- **Dickerson v. USA (2000)**

The Supreme Court ruled that Congress could not pass a law that would contradict a Supreme Court ruling. They cited *Marbury v. Madison*, as the source of their power. Judicial Review gave the Supreme Court final say on an act's constitutionality. Justices writing in dissent called the ruling the "... Pyramid of judicial arrogance."

- **United States v. Oakland Cannabis Buyers' Coop (2001)**

Medical marijuana case: Does a medical necessity exception to the Controlled Substances Act's prohibition on the manufacture and distribution of various drugs, including marijuana, exist?

- **Blakely v. Washington (2004)**

Does a fact (other than a prior conviction) necessary to increase a sentence beyond the statutory standard range need to be proved by a jury and beyond a reasonable doubt?

- **Rasul v. Bush - 2004**

Do United States courts have jurisdiction to consider legal appeals filed on behalf of foreign citizens held by the United States military in Guantanamo Bay Naval Base, Cuba?

- **Hamdi v. Rumsfeld - 2004**

Did the government violate Hamdi's Fifth Amendment right to Due Process by holding him indefinitely, without access to an attorney, based solely on an Executive Branch declaration that he was an "enemy combatant" who fought against the United States? Does the separation of powers doctrine require federal courts to defer to Executive Branch determinations that an American citizen is an "enemy combatant"?

- **Raich v. Gonzales - 2005**

Does the Controlled Substances Act (21 U.S.C. 801) exceed Congress' power under the commerce clause as applied to the intrastate cultivation and possession of marijuana for medical use?

SECOND AMENDMENT CASES

- **United States v. Cruikshank (1876)**

In this case, the Supreme Court recognized the right of the people to keep and bear arms.

- **Lewis v. United States (1980)**

The case determined whether the provision of the Omnibus Crime Control and Safe Streets Act of 1968 that prohibits the possession of firearms by convicted felons (codified in 18 U.S.C. 922(g) in 1986) violated the Second Amendment. The Court acknowledged that among the rights denied to convicted felons was the right to bear arms.

- **United States v. Verdugo-Urquidez (1990)**

The Supreme Court unanimously ruled that the phrase “the people” means the same in the Second Amendment as it does in the First, Fourth, Ninth amendments, and as it does in the Preamble of the U. S. Constitution. The reference to “the people” means all citizens and legal aliens while in the United States.

PRIVATE PROPERTY RIGHTS/EMINENT DOMAIN/TAKINGS CLAUSE CASES

- *Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency* (2002)

Does a moratorium on development imposed during the process of devising a comprehensive land-use plan constitutes a per se taking of property requiring compensation under the Fifth Amendment's Takings Clause?

- *Kelo v. City of New London* (2005)

Does a city violate the Fifth Amendment's takings clause if the city takes private property and sells it for private development, with the hopes the development will help the city's bad economy? By “takings,” this generally refers to “eminent domain.” Eminent domain is the right of a government or municipal quasi-public body to acquire private property for public use. Property is acquired through a court action called condemnation, in which the court determines the use is a public use and decides the price or compensation to be paid to the owner.

SELECTIVE INCORPORATION CASES

The following portions of the Bill of Rights have been incorporated against state governments:

- Freedom of Speech, *Gitlow v. New York* (1925)
- Freedom of the Press, *Near v. Minnesota* (1931)
- Right to Counsel in Capital Cases, *Powell v. Alabama* (1932)
- Freedom of Assembly, *DeJonge v. Oregon* (1937)
- Free Exercise of Religion, *Cantwell v. Connecticut* (1940)
- No Established National Religion, *Everson v. Board of Ed.* (1947)
- Ban on Unreasonable Search and Seizure, *Wolf v. Colorado* (1949)
- No Evidence from Illegal Searches, *Mapp v. Ohio* (1961)
- No Cruel and Unusual Punishment, *Robinson v. California* (1962)
- Right to Counsel in all Felony Cases, *Gideon v. Wainwright* (1963)
- No Self-Incrimination, *Malloy v. Hogan* (1964)
- Right to Confront Adverse Witnesses, *Pointer v. Texas* (1965)
- Right to Impartial Jury, *Parker v. Gladden* (1966)
- Right to Obtain Defense Witnesses, *Washington v. Texas* (1967)
- Right to Speedy Trial, *Klopfer v. North Carolina* (1967)
- No Double Jeopardy, *Benton v. Maryland* (1968)
- Right to Counsel for Imprisonable Misdemeanors, *Argersinger v. Hamlin* (1972)
- Right to Notice of Accusation, *Rabe v. Washington* (1972)

